

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION**

CIVIL ACTION NO. 04-30177 KPN

**JOEL PENTLARGE,
Plaintiff,**

v.

**Robert Murphy, et al.,
Defendants.**

**MOTION TO TRANSFER OF DEFENDANTS
DEBORAH O'DONNELL AND NATAYLA PUSHKINA**

Pursuant to Local Rule 40.1(F), defendants Deborah O'Donnell and Natalya Pushkina ("Defendants") hereby request that this Court transfer this action to the Eastern Division of the United States District Court sitting in Boston. For the following reasons, good cause exists to transfer this case to the Eastern Division:

1. Local Rule 40.1(C), (D) provides for the assignment of certain cases to the Western Division (sitting in Springfield) under certain circumstances, none of which is applicable here. The parties are not located in the Western Division.
2. In the complaint for the above-titled case, the plaintiff admits that he "is a civilly committed prisoner who is being held at the Nemasket Correctional Center..." Complaint, ¶ 1. In the signature block, the plaintiff lists his return address as "Nemasket Correctional Center, 30 Administration Road, Bridgewater, MA 02324." Complaint, p. 27. While the plaintiff also claims that he

“resides at 10 Prospect Street, Ware, Hampshire County, Massachusetts,” Complaint ¶ 3, that is not the case. Pursuant to M.G.L. c. 1-2, 12-16, a person civilly committed is sent to the Nemasket Correctional Center, also known as the Massachusetts Treatment Center, for a minimum of one day to a maximum of his natural life. A person civilly committed is to remain at the Nemasket Correctional Facility until discharged pursuant to MG.L. c. 123A § 9. To this date the plaintiff has not been discharges from the Nemasket Correctional Facility.

3. The plaintiff’s various claims arise from his sexually dangerous person commitment to the Nemasket Correctional Facility which is located in Bridgewater, Massachusetts. Bridgewater is part of Plymouth County, which is in the Eastern Division. See Local Rule 40.1 (C)(1). He broadly challenges the conditions of his confinement at the Nemasket Correctional Facility.

4. Robert Murphy is the Superintendent of the Nemasket Correctional facility, with an office located in Bridgewater, Massachusetts. Complaint, ¶ 4. Kathleen Dennehy is the Commissioner of the Department of Correction (“DOC”). Complaint, ¶ 5. The Commissioner’s office, which is located at DOC’s central headquarters, is in Milford, Massachusetts. Complaint, ¶ 5. Milford is part of Worcester County, which is in the Central Division. See Local Rule 40.1(C)(2). Deborah

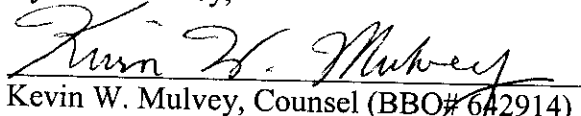
O'Donnell and Natalya Pushkina are employees of Forensic Health Services in Braintree, Norfolk County Massachusetts and they work at the Nemasket Correctional Facility in Bridgewater, Massachusetts. See Amended Complaint, ¶¶96, 97. Braintree, is part of Norfolk County, which is in the Eastern Division. See Local Rule 40.1(C)(2).

5. This action has no connection to the Western Division. With that fact in mind, the filing of this action in the Western Division does not advance judicial economy and will waste the Court's and the defendant's resources.

WHEREFORE, defendants Deborah O'Donnell and Natalya Pushkina respectfully request that this Court transfer this action to the Eastern Division of the United States District Court for the District of Massachusetts.

Respectfully submitted,
Deborah O'Donnell and Natalya Pushkina

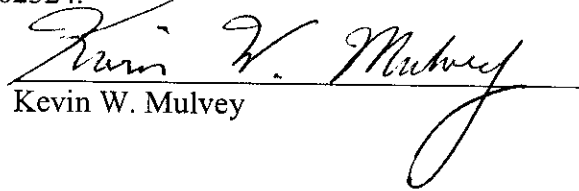
By their attorney,


Kevin W. Mulvey, Counsel (BBO# 642914)
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Dated: December 27, 2004

Certificate of Service

I hereby certify that a copy of the within document was sent via first class mail to the pro se plaintiff, Joel Pentlarge at the Nemasket Correctional Facility, 30 Administration Road, Bridgewater, MA 02324.


Kevin W. Mulvey

Dated: December 27, 2004